

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

LEE BOYD MALVO,

Petitioner-Appellee,

V.

CIVIL ACTION NO. 2:13-CV-376

**RANDALL MATHENA, CHIEF WARDEN,
RED ONION STATE PRISON,**

Respondent-Appellant.

NOTICE OF APPEAL

Respondent Warden Randall Mathena, by counsel, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the final judgment of this Court entered on May 26, 2017 (ECF No. 52) and the accompanying memorandum opinion entered on May 26, 2017 (ECF No. 51).

Respectfully submitted,

**RANDALL MATHENA, CHIEF WARDEN,
RED ONION STATE PRISON,**
Respondent herein

By: _____
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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2017, I electronically filed the foregoing Notice with the Clerk of Court using the CM/ECF system and which will then send a notification of such filing (NEF) to Craig S. Cooley, Esq., P. O. Box 7268, Richmond VA 23221 and to Michael S. Arif, Esq., Arif & Associates, P.C., 3975 University Drive, Suite 360, Springfield VA 22030, counsel for petitioner.

By: _____/s/_____
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